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1875 CONNECTICUT AVE., N.W.  
SUITE 1200  
WASHINGTON, D.C. 20009-5728  
(202) 986-8000  
FACSIMILE: (202) 986-8102

E-MAIL ADDRESS: BRETT.SNYDER@LLGM.COM  
WRITER'S DIRECT DIAL: (202) 986-8008

LONDON  
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January 19, 2006

**BY HAND**

**RECEIVED**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
c/o Natek, Inc., Inc.  
236 Massachusetts Avenue, N.E., Suite 110  
Washington, DC 20002

JAN 19 2006

Federal Communications Commission  
Office of Secretary

Attn: Wireline Competition Bureau

Re: *Telefónica Larga Distancia de Puerto Rico, Inc.*,  
Petition for Declaratory Ruling,  
WC Docket No. 06-1

Dear Ms. Dortch:

Telefónica Larga Distancia de Puerto Rico, Inc. ("TLD") herein informs the Commission that that, by order dated January 17, 2006,<sup>1</sup> the Telecommunications Regulatory Board of Puerto Rico (the "Puerto Rico Board") denied, without explanation, a TLD request for a Puerto Rico Board order stating that the Puerto Rico Telephone Company's ("PRTC's") mandatory islandwide calling plan cannot go into effect prior to the issuance of an order expressly enabling such implementation.<sup>2</sup> A copy of the TLD request and the Puerto Rico Board's denial are attached hereto.

Chapter III, Section 7(a) of Puerto Rico Law 213 states that every telecommunications carrier, which includes the incumbent PRTC, shall have to submit changes to its prices and charges to the Board "*simultaneously when implemented in the market*". A copy of Law 213 was appended as Exhibit G to TLD's Petition for Declaratory Ruling in this matter. The denial of

<sup>1</sup> Resolution and Order, *Telefonica Larga Distancia de P.R., Inc.*, Case Nos. JRT-2005-Q-0121, *et al.* (P.R. Telecomms. Reg. Bd. Jan. 17, 2006).

<sup>2</sup> Amended Request for Board Order, *Telefonica Larga Distancia de P.R., Inc.*, P.R. Telecomms. Reg. Bd. Case Nos. JRT-2005-Q-0121, *et al.* (filed Dec. 28, 2005).

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Marlene H. Dortch, Secretary  
January 19, 2006  
Page 2

TLD's motion by the Puerto Rico Board is particularly troubling in view of the fact that there appears to be no legal impediment to PRTC moving the effective date of its tariff revisions forward from its current effective date of April 7, 2006 to coincide with or even predate the decision of the Puerto Rico Board, which is scheduled for early March 2006. This is something PRTC clearly believes it can do. In fact, as recently as August 26, 2005, in a prelude to its Single Zone Plan, PRTC filed rate changes imposing a minimum usage charge for its intra-island long distance service that were effective as of the date of filing.<sup>3</sup> Consequently, TLD's request for expedited treatment of its Petition for Declaratory Ruling continues to be valid.

Respectfully submitted,



Brett A. Snyder  
*Attorney for Telefónica Larga Distancia de  
Puerto Rico, Inc.*

Enclosures

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<sup>3</sup> See P.R. Tel. Co., Tariff Filings, Transmittal No. 135 (filed Aug. 26, 2005).

**COMMONWEALTH OF PUERTO RICO  
TELECOMMUNICATIONS REGULATORY BOARD  
OF PUERTO RICO**

TELEFONICA LARGA DISTANCIA DE  
PUERTO RICO, INC., WORLDNET  
TELECOMMUNICATIONS, INC., SPRINT  
COMMUNICATIONS COMPANY, LP, and  
AT&T OF PUERTO RICO, INC.

Plaintiffs,  
v.

PUERTO RICO TELEPHONE COMPANY,  
INC.,  
Defendant.

JUNIA REGlamentaria  
TELECOMUNICACIONES  
DE PUERTO RICO

05 DIC 28 01  
OFICINA DE SECRETRARIO

Case Nos. JRT-2005-Q-0121  
JRT-2005-Q-0128  
JRT-2003-Q-0297  
JRT-2004-Q-0068

**AMENDED REQUEST FOR BOARD ORDER**

**TO THE HONORABLE BOARD:**

COMES NOW Telefónica Larga Distancia de Puerto Rico, Inc. ("TLD"), through the undersigned attorneys, and very respectfully states, alleges and prays:

On December 22, 2005, TLD requested clarification of the Board's latest scheduling order whereby the Board rescheduled the hearing and the issuance of its decision on non-cost based issues to coincide with the cost-based issues hearing scheduled for February, 2006, and the cost-based issues decision scheduled for March 6, 2006. In particular, TLD requested the Board to clarify that PRTC's Single Zone tariff filing was stayed until the resolution of the case. On the same day, PRTC amended its Single Zone tariff filing to reflect a new effective date of April 7, 2005.

PRTC's latest action seems designed to avoid a Board order expressly staying PRTC's Single Zone tariff filing. However, in view of the fact that revision of a tariff revision effective date seems to be at the discretion of the filing carrier, TLD remains very concerned that PRTC may subsequently exercise this discretion to make the tariff effective on much shorter notice. For example, if the Board were to consider the approval of the Single Zone Plan on March 6, 2005 – something that TLD vigorously opposes – what would legally prevent PRTC from revising the effective date of the tariff revisions to immediately implement the Single Zone Plan? TLD is concerned with PRTC's ability to legally revise the date of the tariff revisions to accelerate the implementation of the Single Zone Plan. TLD firmly believes that the Board must order PRTC not to implement the Single Zone Plan unless and until the Board has issued a Resolution and Order in this case that expressly enables such implementation. Neither the plaintiffs nor the Board should have to guess at what PRTC may consider to be practical or make good business sense for its own purposes. In effect, the lack of a clear expression from the Board regarding this matter leads to uncertainty in these proceedings that only benefits PRTC as it may go ahead and implement its Single Zone tariff, claiming that it is not otherwise affirmatively prohibited from doing so.

In light of the above, TLD requests that the Board issue a Resolution and Order that requires PRTC to submit to the Board for approval any tariff change that would call for the implementation of the Single Zone plan before the resolution of the present controversy. In the end, it is clearly for the Board to resolve whether PRTC will be allowed to proceed with the implementation of the Single Zone plan prior to such filing becoming effective.

**WHEREFORE**, TLD respectfully requests this Honorable Board issue a Resolution and Order requiring PRTC to submit to the Board for approval any tariff change that calls for

the implementation of the Single Zone plan before the resolution of the case on the merits with regards to both non cost-based and cost-based matters.

**RESPECTFULLY SUBMITTED.**

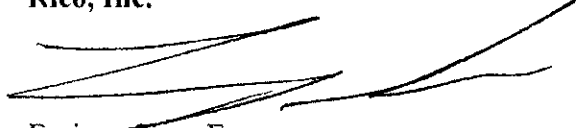
I HEREBY CERTIFY that on this same date copy of this document was sent via regular mail to: PRTC at Rafael Escalera Rodríguez, Rafael Alonso Alonso and Ileana M. Cañellas Correa, Reichard & Escalera, MCS Plaza, Suite 1000, #255 Ponce de León Ave., Hato Rey, PR 00918 and Roberto García, Puerto Rico Telephone Co., 1515 Ave. Roosevelt, Piso 12, Caparra Heights, San Juan, Puerto Rico 00921; Joaquín A. Márquez, Joe D. Edge & Mark F. Dever, Drinker Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005; Douglas Meredith, John Staurulakis, Inc. 547 Oakview Lane, Bountiful, UT 84010; Arnaldo A. Mignucci Giannoni, Home Mortgage Plaza, Suite 800, 268 Ave. Ponce de León, Hato Rey, P.R. 00918; Miguel Rodríguez Marxuach, Rodríguez Marxuach & Gierbolini, P.S.C, P.O. Box 16636, San Juan, P.R. 00908-6636; Francisco A. Rullan, Weiss, Serota Helfman Pastoriza Cole & Boniske, P.S., 3107 Stirling Road, Suite 300, Fort Lauderdale, FL 33312; Law Offices of Juan P. Rivera Román, P.O. Box 7498, Ponce, PR 00732; and Lawrence R. Freedman and James N. Moskowitz, 1919 Pennsylvania Avenue, NW, Suite 600, Washington, D.C. 20006; Christopher W. Savage, Esq., Cole, Raywind & Braverman, L.L.P., 1919 Pennsylvania Ave., N.W., Suite 200, Washington D.C. 20006; and Omar Martínez, Esq., P.O. Box 71514, San Juan, PR 00936.

In San Juan, Puerto Rico, on December 27, 2005.

**Telefónica Larga Distancia de Puerto Rico, Inc.**

Richard Rubin  
LeBoeuf, Lamb, Green & MacRae, LLP  
1875 Connecticut Avenue, NW  
Suite 1200  
Washington, DC 20009  
Tel. (202) 986-8111  
Fax. (202) 956-3303

**Telefónica Larga Distancia de Puerto Rico, Inc.**



Enrique Siaca Esteves  
Col. Num. 15,294  
Quiñones Sánchez & Guzmán, P.S.C.  
P.O. Box 71405  
San Juan, P.R. 00936-8505  
Tel. (787) 620-6776  
Fax. (787) 620-6777

**COMMONWEALTH OF PUERTO RICO  
TELECOMMUNICATIONS REGULATORY BOARD  
OF PUERTO RICO**

**TELEFONICA LARGA DISTANCIA  
DE PUERTO RICO, INC., et al.**

**Plaintiffs**

**vs.**

**PUERTO RICO TELEPHONE  
COMPANY, INC.**

**Defendant**

**CASES NOS.:**

JRT-2005-Q-0121

JRT-2005-Q-0128

JRT-2003-Q-0297

JRT-2004-Q-0068

**RESOLUTION AND ORDER**

The instant Resolution and Order considers the following documents filed by the parties in this proceeding:

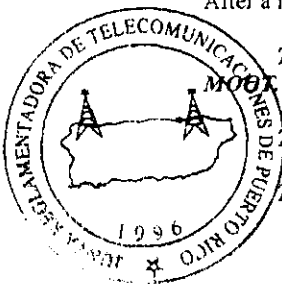
1. *Renewed Motion Requesting Expedited Clarification of the Revised Scheduling Order* ("Renewed Motion Requesting Expedited Clarification") submitted by Telefónica Larga Distancia de Puerto Rico, Inc. ("TLD") on December 22, 2005. TLD requests the Board to order PRTC to abstain from implementing the tariff subject of this proceeding scheduled to become effective on January 6, 2006.
2. *Puerto Rico Telephone Company, Inc. Response to Telefónica Larga Distancia de Puerto Rico, Inc.'s Renewed Motion Requesting Expedited Clarification of the Revised Scheduling Order* ("PRTC's Response") submitted on December 30, 2005. PRTC states that on December 22, 2005 it submitted a revised Section 15 of PRTC's Basic Services Tariff Schedule to extend the effective date of the One Zone Plan from January 6 to April 7, 2006.
3. *Amended Request for Board Order* ("Amended Request") filed by TLD on December 28, 2005. In this pleading TLD requests the Board to issue a resolution ordering PRTC to submit for this Board's approval any tariff change that would call for the implementation of the single zone plan before the resolution of this controversy.
4. *Puerto Rico Telephone Company, Inc. Motion for Clarification* ("Motion for Clarification") filed on December 20, 2005. PRTC requests the opportunity address any TLD's supplemental direct testimony resulting from our Resolution and Order of December 8, 2005, at the hearing scheduled to begin February 6, 2006; and *Opposition to PRTC's Motion for Clarification* filed by TLD on January 10, 2006, in which TLD argues PRTC should not be allowed to amend its testimony during the course of the hearing.
5. *Motion to Compel Deposition of Ms. Cristina Lambert* (*Motion to Compel Deposition*) submitted on December 30, 2005 by TLD. TLD argues Ms. Lambert is in a unique position with respect to communications regarding the decision to develop the single zone plan and consideration of alternatives, for which her deposition is required.

After a review of the above documents, this Board RULES AND ORDERS:

**To TLD's Renewed Motion Requesting Expedited Clarification:**

**To PRTC's Response: NOTICE IS TAKEN**

**To TLD's Amended Request: DENIED.**



*To PRTC's Motion for Clarification: GRANTED IN PART. PRTC is allowed to file reply testimony to TLD's amended direct testimony on February 2, 2006.*

*To TLD's Motion to Compel Deposition: DENIED.*

NOTIFY the present Resolution and Order to the parties' representatives of record:

LCDO. EDWIN QUIÑONES  
QUIÑONES SÁNCHEZ & GUZMÁN, P.S.C.  
PO BOX 71405  
SAN JUAN, PR 00936-8505

PRTC  
LCDO. ROBERTO GARCÍA  
PO BOX 360998  
SAN JUAN, PR 00936-0998

DOUGLAS MEREDITH  
JOHN STAURULAKIS, INC.  
547 OAKVIEW LANE  
BOUNTIFUL, UT 84010

JOAQUÍN MÁRQUEZ, ESQ.  
DRINKER BIDDLE & REATH LLP  
1500 K ST., NW, SUITE 1100  
WASHINGTON, DC 20005

LARRY FREEDMAN, ESQ.  
FLEISCHMAN & WALSH LLP  
1919 PENNSYLVANIA AVE. NW, SUITE 600  
WASHINGTON D.C. 20006

AT&T DE PUERTO RICO  
LCDO. ARNALDO MIGNUCCI  
HOME MORTGAGE PLAZA, SUITE 704  
268 AVE. PONCE DE LEÓN  
HATO REY, PR 00918

CHRISTOPHER W. SAVAGE, ESQ.  
COLE, RAYWID & BRAVEMAN, L.L.P.  
1919 PENNSYLVANIA AVE. N.W.  
SUITE 200  
WASHINGTON, DC 20006

WORLDNET  
LCDO. JUAN P. RIVERA ROMÁN  
PO BOX 7498  
PONCE, PR 00732-7498

LCDO. RAFAEL ESCALERA  
REICHARD & ESCALERA  
PO BOX 364148  
SAN JUAN, PR 00936-04148

CENTENNIAL PUERTO RICO LICENSE CORP.  
LCDO. OMAR MARTÍNEZ  
PO BOX 71514  
SAN JUAN, PR 00936-8614

(SPRJNT)  
LCDO. MIGUEL J. RODRÍGUEZ MARXUACH  
PO BOX 16636  
SAN JUAN, PR 00908-6636

RICHARD RUBIN, ESQ.  
LEBOEUF, LAMB, GREEN & MACAE LLP  
1875 CONNECTICUT AVE. N.W.  
WASHINGTON D.C. 20009

FRANCISCO A. RULLÁN, ESQ.  
WEISS SEROTA HELFMAN PASTORIZA COLE  
& BONISKE  
3107 STIRLING RD, SUITE 300  
FORT LAUDERDALE, FL 33312

So the Board approved on January 17, 2006.

Miguel Reyes Dávila  
President

Vicente Aguirre Iturrino  
Associate Member

Nixyvette Santini Hernández  
Associate Member

#### CERTIFICATE OF SERVICE

I hereby CERTIFY that the foregoing document is a true and exact copy of the Resolution and Order approved by the Board on January 17, 2006. I further CERTIFY that today, January 17, 2006, I mailed a copy of the Resolution and Order to the parties' attorneys of record, and I have proceeded to file the instant order.



In witness whereof, I sign the present Resolution and Order in San Juan, Puerto Rico, on January 17, 2006.

CIORAN MONTES GILORMINI  
Secretary of the Board

## CERTIFICATE OF SERVICE

I hereby certify that I have on this 19th day of January 2006 served a copy of the foregoing on the following persons by first-class mail, unless otherwise noted:


Veronica M. Ahern\*  
Robert F. Reklaitis\*  
Leslie Paul Machado\*  
Nixon Peabody LLP  
401 Ninth Street, NW, Suite 900  
Washington, DC 20004-2128

Janice Myles\*  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Hon. Anibal Acevedo-Vilá  
Governor  
Commonwealth of Puerto Rico  
PO Box 9020082  
San Juan, PR 00902-0082

Hon. Roberto Sánchez Ramos  
Secretary of Justice  
Department of Justice  
Commonwealth of Puerto Rico  
PO Box 909192  
San Juan, PR 00902-9192

\*Served via electronic mail in addition to first-class mail.

  
Brett A. Snyder